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SUBJECT: ZAGREB WEEKLY ACTIVITY REPORT- NOVEMBER 20,2009

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11. (U) PRESIDENTIAL CAMPAIGNS OFFICIALLY UNDERWAY, WITH 12 CANDIDATES:

The State Electoral Commission (DIP) announced on November 18, 2009 that 12 candidates had met all constitutional requirements, including submitting more than 10,000 valid signatures, to be included on the first round presidential ballot set for December 27, 2009. The official campaign season began on November 19. Candidates are (in alphabetical order): Milan Bandic (independent), Andrija Hebrang (HDZ), Ivo Josipovic (SDP), Josip Jurcevic (independent), Damir Kajin (IDS), Boris Miksic (independent), Dragan Primorac (independent), Vesna Pusic (HNS), Vesna Skare-Ozbolt (independent), Miroslav Tudjman (independent), Nadan Vidosevic (independent), and Slavko Vuksic (DSSR). According to recent polls, only four to six candidates (Josipovic, Bandic, Vidosevic and Hebrang, along with perhaps Primorac and Pusic) have any serious chance of making the second round run-off on January 10. Independent Croatian-Serb candidate Veljko Dzakula submitted the requisite number of signatures, but informed the DIP that he was withdrawing from the race just before DIP certified the final list. Dzakula in his withdrawal statement simply indicated his candidacy was meant to demonstrate that Serbian citizens of Croatia could participate on equal footing in each and every electoral event. (DMEGES)

12. (U) CROATIA TO HOLD SPECIAL MINORITY ELECTIONS:

The Croatian Democratic Union (HDZ) and its coalition partner, the Independent Democratic Serbian Party (SDSS), recently resolved an ambiguity between Croatia's Constitutional Law on National Minorities (CLMN) and Law on Local Elections. As a result, the GoC in mid-November announced that special minority elections will be held on December 6, 2009, to elect a myriad of deputy county prefects and deputy mayors to ensure adequate minority representation in local governments, as required by the CLNM. The SDSS has been pressing for these special elections since mid-2009, when a new process for direct election of mayors and county prefects effectively abolished the old system of county or city executive councils where minorities were often given a seat. The SDSS pressed the HDZ to support the creation of additional "deputy" positions reserved for national minorities and filled via special elections. It is expected that at least 11 counties and more than 40 cities will hold these special elections. (DMEGES)

13. (SBU) SENTENCE OF UK WAR CRIME EXTRADITEE GREATLY REDUCED:

On November 19, 2009, Milan Spanovic, a former Serbian para-military, was released from prison in Croatia when his sentence was reduced to time served. Spanovic was extradited from the UK in August 2009, based on a 2004 Croatian arrest warrant. The warrant stemmed from a 1993 verdict in which Spanovic and 18 co-defendants were convicted in absentia for committing war crimes against civilians and each sentenced to 20 years of prison. Crimes included: attacking a Croatian village, mistreating and injuring civilians, and stealing and

destroying property. The 1993 verdict was based on one witness' live testimony and other written depositions that failed to specify the specific culpability of any individual defendant. In February 2009, the Sisak County State Attorney had applied to re-open the case, arguing that recent interviews with witnesses could lead to acquittals or milder punishments. While the Sisak County Court rejected that motion, on appeal the Croatian Supreme Court allowed for the reopening of all defendants' cases, including Spanovic's.

In the meantime, Spanovic had been extradited from the UK and detained in Sisak prison. In reducing the sentence, the presiding judge, a reputed hard-liner, publicly condemned the 1993 verdict for failing to establish personal responsibility for the crimes committed, and commented that it did not conform to today's legal practices and standards in Croatia. (COMMENT: Spanovic's release is a positive step, but the fact that the conviction was not voided in its entirety -- presumably to avoid giving Spanovic grounds to sue for unlawful detention -- underlines that domestic courts' handling of war crimes cases is still not flawless. END COMMENT.)

#### 14. (U) CRISIS TAX PASSES COURT CHALLENGE:

On November 18, Croatia's Constitutional Court ruled on requests by President Mesic and over 80,000 individual citizens regarding the constitutionality of the "crisis tax" imposed by the government in August of this year. Complaints focused on the idea that the tax did not share the burden evenly among citizens. Out of 13 judges on the bench of the Constitutional court, however, only 2 felt the tax was unconstitutional. Court president Jasna Omejec said the special tax law had been deemed constitutional, especially in light of the principles of a social welfare state, the rule of the law and tax equality. Upon being asked if he considered this ruling a defeat, Mesic said he accepted the

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ruling of the Constitutional Court and that "...it is proof that the country functions as a legal state." Prime Minister Kosor said no Prime Minister is happy to make such a decision, but the crisis tax was a necessity under the circumstances.

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